

1-1 By: Zerwas (Senate Sponsor - Hegar) H.B. No. 1599
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Waller County Municipal Utility
1-9 District No. 15; providing authority to impose a tax and issue
1-10 bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8346 to read as follows:

1-14 CHAPTER 8346. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 15

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8346.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Waller County Municipal
1-20 Utility District No. 15.

1-21 Sec. 8346.002. NATURE OF DISTRICT. The district is a
1-22 municipal utility district created under Section 59, Article XVI,
1-23 Texas Constitution.

1-24 Sec. 8346.003. CONFIRMATION AND DIRECTORS' ELECTION
1-25 REQUIRED. The temporary directors shall hold an election to
1-26 confirm the creation of the district and to elect five permanent
1-27 directors as provided by Section 49.102, Water Code.

1-28 Sec. 8346.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-29 The district is created to serve a public purpose and benefit.

1-30 (b) The district is created to accomplish the purposes of:

1-31 (1) a municipal utility district as provided by
1-32 general law and Section 59, Article XVI, Texas Constitution; and

1-33 (2) Section 52, Article III, Texas Constitution, that
1-34 relate to the construction, acquisition, or improvement of
1-35 macadamized, graveled, or paved roads described by Section 54.234,
1-36 Water Code, or improvements, including storm drainage, in aid of
1-37 those roads.

1-38 Sec. 8346.005. INITIAL DISTRICT TERRITORY. (a) The
1-39 district is initially composed of the territory described by
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of
1-42 the Act creating this chapter form a closure. A mistake made in the
1-43 field notes or in copying the field notes in the legislative process
1-44 does not affect the district's:

1-45 (1) organization, existence, or validity;

1-46 (2) right to issue any type of bond for the purposes
1-47 for which the district is created or to pay the principal of and
1-48 interest on a bond;

1-49 (3) right to impose a tax; or

1-50 (4) legality or operation.

1-51 [Sections 8346.006-8346.050 reserved for expansion]

1-52 SUBCHAPTER B. BOARD OF DIRECTORS

1-53 Sec. 8346.051. GOVERNING BODY; TERMS. (a) The district is
1-54 governed by a board of five elected directors.

1-55 (b) Except as provided by Section 8346.052, directors serve
1-56 staggered four-year terms.

1-57 Sec. 8346.052. TEMPORARY DIRECTORS. (a) On or after the
1-58 effective date of the Act creating this chapter, the owner or owners
1-59 of a majority of the assessed value of the real property in the
1-60 district may submit a petition to the Texas Commission on
1-61 Environmental Quality requesting that the commission appoint as
1-62 temporary directors the five persons named in the petition. The
1-63 commission shall appoint as temporary directors the five persons
1-64 named in the petition.

1-65 (b) Temporary directors serve until the earlier of:

1-66 (1) the date permanent directors are elected under

2-1 Section 8346.003; or
 2-2 (2) the fourth anniversary of the effective date of
 2-3 the Act creating this chapter.
 2-4 (c) If permanent directors have not been elected under
 2-5 Section 8346.003 and the terms of the temporary directors have
 2-6 expired, successor temporary directors shall be appointed or
 2-7 reappointed as provided by Subsection (d) to serve terms that
 2-8 expire on the earlier of:
 2-9 (1) the date permanent directors are elected under
 2-10 Section 8346.003; or
 2-11 (2) the fourth anniversary of the date of the
 2-12 appointment or reappointment.
 2-13 (d) If Subsection (c) applies, the owner or owners of a
 2-14 majority of the assessed value of the real property in the district
 2-15 may submit a petition to the commission requesting that the
 2-16 commission appoint as successor temporary directors the five
 2-17 persons named in the petition. The commission shall appoint as
 2-18 successor temporary directors the five persons named in the
 2-19 petition.
 2-20 [Sections 8346.053-8346.100 reserved for expansion]
 2-21 SUBCHAPTER C. POWERS AND DUTIES
 2-22 Sec. 8346.101. GENERAL POWERS AND DUTIES. The district has
 2-23 the powers and duties necessary to accomplish the purposes for
 2-24 which the district is created.
 2-25 Sec. 8346.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-26 DUTIES. The district has the powers and duties provided by the
 2-27 general law of this state, including Chapters 49 and 54, Water Code,
 2-28 applicable to municipal utility districts created under Section 59,
 2-29 Article XVI, Texas Constitution.
 2-30 Sec. 8346.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
 2-31 Section 52, Article III, Texas Constitution, the district may
 2-32 design, acquire, construct, finance, issue bonds for, improve, and
 2-33 convey to this state, a county, or a municipality for operation and
 2-34 maintenance macadamized, graveled, or paved roads described by
 2-35 Section 54.234, Water Code, or improvements, including storm
 2-36 drainage, in aid of those roads.
 2-37 (b) The district may exercise the powers provided by this
 2-38 section without submitting a petition to or obtaining approval from
 2-39 the Texas Commission on Environmental Quality as required by
 2-40 Section 54.234, Water Code.
 2-41 Sec. 8346.104. APPROVAL OF ROAD PROJECT. (a) The district
 2-42 may not undertake a road project authorized by Section 8346.103
 2-43 unless:
 2-44 (1) each municipality or county that will operate and
 2-45 maintain the road has approved the plans and specifications of the
 2-46 road project, if a municipality or county will operate and maintain
 2-47 the road; or
 2-48 (2) the Texas Transportation Commission has approved
 2-49 the plans and specifications of the road project, if the state will
 2-50 operate and maintain the road.
 2-51 (b) Except as provided by Subsection (a), the district is
 2-52 not required to obtain approval from the Texas Transportation
 2-53 Commission to design, acquire, construct, finance, issue bonds for,
 2-54 improve, or convey a road project.
 2-55 Sec. 8346.105. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-56 district may not exercise the power of eminent domain outside the
 2-57 district to acquire a site or easement for:
 2-58 (1) a road project authorized by Section 8346.103; or
 2-59 (2) a recreational facility as defined by Section
 2-60 49.462, Water Code.
 2-61 [Sections 8346.106-8346.150 reserved for expansion]
 2-62 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 2-63 Sec. 8346.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
 2-64 district may issue, without an election, bonds and other
 2-65 obligations secured by:
 2-66 (1) revenue other than ad valorem taxes; or
 2-67 (2) contract payments described by Section 8346.153.
 2-68 (b) The district must hold an election in the manner
 2-69 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 2-70 before the district may impose an ad valorem tax or issue bonds
 2-71 payable from ad valorem taxes.

3-1 (c) The district may not issue bonds payable from ad valorem
3-2 taxes to finance a road project unless the issuance is approved by a
3-3 vote of a two-thirds majority of the district voters voting at an
3-4 election held for that purpose.

3-5 Sec. 8346.152. OPERATION AND MAINTENANCE TAX. (a) If
3-6 authorized at an election held under Section 8346.151, the district
3-7 may impose an operation and maintenance tax on taxable property in
3-8 the district in accordance with Section 49.107, Water Code.

3-9 (b) The board shall determine the tax rate. The rate may not
3-10 exceed the rate approved at the election.

3-11 Sec. 8346.153. CONTRACT TAXES. (a) In accordance with
3-12 Section 49.108, Water Code, the district may impose a tax other than
3-13 an operation and maintenance tax and use the revenue derived from
3-14 the tax to make payments under a contract after the provisions of
3-15 the contract have been approved by a majority of the district voters
3-16 voting at an election held for that purpose.

3-17 (b) A contract approved by the district voters may contain a
3-18 provision stating that the contract may be modified or amended by
3-19 the board without further voter approval.

3-20 [Sections 8346.154-8346.200 reserved for expansion]

3-21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-22 Sec. 8346.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-23 OBLIGATIONS. The district may issue bonds or other obligations
3-24 payable wholly or partly from ad valorem taxes, impact fees,
3-25 revenue, contract payments, grants, or other district money, or any
3-26 combination of those sources, to pay for any authorized district
3-27 purpose.

3-28 Sec. 8346.202. TAXES FOR BONDS. At the time the district
3-29 issues bonds payable wholly or partly from ad valorem taxes, the
3-30 board shall provide for the annual imposition of a continuing
3-31 direct ad valorem tax, without limit as to rate or amount, while all
3-32 or part of the bonds are outstanding as required and in the manner
3-33 provided by Sections 54.601 and 54.602, Water Code.

3-34 Sec. 8346.203. BONDS FOR ROAD PROJECTS. At the time of
3-35 issuance, the total principal amount of bonds or other obligations
3-36 issued or incurred to finance road projects and payable from ad
3-37 valorem taxes may not exceed one-fourth of the assessed value of the
3-38 real property in the district.

3-39 SECTION 2. The Waller County Municipal Utility District No.
3-40 15 initially includes all the territory contained in the following
3-41 area:

3-42 Being 564.883 acres of land located in the Randolph Foster
3-43 League, Abstract 27, Waller County, Texas, more particularly being
3-44 a portion of that certain called 672.719 acre tract conveyed to NBI
3-45 Properties, Inc., by instruments of record in Volume 1005, Page
3-46 102, Official Public Records, of said Waller County (W.C.O.P.R.)
3-47 and File No. 2006149078, Official Public Records, of Fort Bend
3-48 County (F.B.C.O.P.R.), and being a portion of that certain called
3-49 152.516 acre tract conveyed to NBI Properties, Inc., by instruments
3-50 of record in Volume 1005, Page 037, W.C.O.P.R., and File No.
3-51 2006149075, F.B.C.O.P.R., said 564.883 acres being more
3-52 particularly described by metes and bounds as follows (all bearings
3-53 are assumed);

3-54 BEGINNING at the northeast corner of said 672.719 acre tract,
3-55 same being the northeast corner of said Randolph Foster League, the
3-56 northwest corner of the Nathan Brookshire League, Abstract 14, and
3-57 on the common line of said Waller County and Fort Bend County;

3-58 Thence, with the east line of said 672.719 acre tract, the
3-59 east line of said Randolph Foster League and said common county
3-60 line, South 03° 52' 13" East (South 03° 51' 32" East), 1455.68 feet to
3-61 a point for corner;

3-62 Thence, leaving the east line of said 672.719 acre tract and
3-63 continuing with the east line of said Randolph Foster League and
3-64 said common county line, South 02° 07' 05" East, 2948.28 feet to a
3-65 point for corner, an angle point in said county line;

3-66 Thence, continuing with said county line, South 87° 55' 15"
3-67 West, 5634.05 feet to a point for corner on the common line of said
3-68 672.719 acre tract and F.M. 1489 (called 80 feet wide);

3-69 Thence, with the common line of said 672.719 acre tract and
3-70 said F.M. 1489, the following twelve (12) courses:

3-71 1) North 02° 21' 59" West (called North 02° 22' 01" West),

- 4-1 1567.51 feet to a point for corner;
- 4-2 2) North 01° 45' 59" West, 1141.30 feet to a point for
- 4-3 corner, the beginning of a curve;
- 4-4 3) 336.74 feet along the arc of a tangent curve to the left,
- 4-5 having a radius of 5730.88 feet, a central angle of 03° 22' 00" and a
- 4-6 chord which bears North 03° 26' 59" West, 336.69 feet to a point for
- 4-7 corner;
- 4-8 4) North 05° 07' 59" West, 544.03 feet to a point for corner;
- 4-9 5) North 04° 07' 59" West, 262.85 feet to a point for corner,
- 4-10 the beginning of a curve;
- 4-11 6) 780.21 feet along the arc of a tangent curve to the right,
- 4-12 having a radius of 485.91 feet, a central angle of 91° 59' 53" and a
- 4-13 chord which bears North 41° 51' 55" East, 699.06 feet to a point for
- 4-14 corner;
- 4-15 7) North 87° 51' 48" East, 1977.02 feet to a point for
- 4-16 corner, the beginning of a curve;
- 4-17 8) 220.50 feet along the arc of a non-tangent curve to the
- 4-18 right, having a radius of 2824.79 feet, a central angle of 04° 28'
- 4-19 21" and a chord which bears South 88° 43' 35" East, 220.45 feet to a
- 4-20 point for corner;
- 4-21 9) South 86° 29' 24" East, 204.78 feet to a point for corner,
- 4-22 the beginning of a curve;
- 4-23 10) 86.45 feet along the arc of a tangent curve to the left,
- 4-24 having a radius of 517.46 feet, a central angle of 09° 34' 20" and a
- 4-25 chord which bears North 88° 43' 26" East, 86.35 feet to a point for
- 4-26 corner;
- 4-27 11) South 86° 29' 20" East, 28.01 feet to a point for corner,
- 4-28 the beginning of a curve;
- 4-29 12) 263.52 feet along the arc of a tangent curve to the left,
- 4-30 having a radius of 326.48 feet, a central angle of 46° 14' 48" and a
- 4-31 chord which bears North 70° 23' 17" East, 256.43 feet to a point for
- 4-32 corner on the common survey line of said Randolph Foster League,
- 4-33 Abstract 27 (Waller County) and the William Cooper League, Abstract
- 4-34 20;

4-35 Thence with the north line of said 672.719 acre tract and said
 4-36 common survey line, North 87° 49' 39" East, 827.66 feet to a point
 4-37 for corner;

4-38 Thence, continuing with said north line and said common
 4-39 survey line, North 87° 44' 38" East, 1562.25 feet to the POINT OF
 4-40 BEGINNING and containing 564.883 acres of land.

4-41 SECTION 3. (a) The legal notice of the intention to
 4-42 introduce this Act, setting forth the general substance of this
 4-43 Act, has been published as provided by law, and the notice and a
 4-44 copy of this Act have been furnished to all persons, agencies,
 4-45 officials, or entities to which they are required to be furnished
 4-46 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-47 Government Code.

4-48 (b) The governor, one of the required recipients, has
 4-49 submitted the notice and Act to the Texas Commission on
 4-50 Environmental Quality.

4-51 (c) The Texas Commission on Environmental Quality has filed
 4-52 its recommendations relating to this Act with the governor, the
 4-53 lieutenant governor, and the speaker of the house of
 4-54 representatives within the required time.

4-55 (d) All requirements of the constitution and laws of this
 4-56 state and the rules and procedures of the legislature with respect
 4-57 to the notice, introduction, and passage of this Act are fulfilled
 4-58 and accomplished.

4-59 SECTION 4. This Act takes effect immediately if it receives
 4-60 a vote of two-thirds of all the members elected to each house, as
 4-61 provided by Section 39, Article III, Texas Constitution. If this
 4-62 Act does not receive the vote necessary for immediate effect, this
 4-63 Act takes effect September 1, 2009.

4-64 * * * * *